



How the Indiana State Department of Education Made Local Determinations under Individuals with Disabilities in Education Improvement Act (IDEA 2004)

May 7, 2009

The Indiana Department of Education (IDOE) has made local determinations in accordance with the Individuals with Disabilities in Education Act (IDEA 2004) considering LEA submitted data using a 5.0 scale. Points were given proportionally for levels of performance, with 5 points given for the highest category of performance and 2 points given for the lowest category of performance. FFY 2007 (SY 07-08) data for Compliance Indicators 9, 10, 11, 12, and 13 were used in making this determination. Additionally, any audit findings, uncorrected of noncompliance, and the timely submission and accuracy of data were considered in making this determination.

Prior to making final determinations, the IDOE sought the advice of the State Advisory Council (SAC) members by presenting data scenarios on April 29, 2009. Taking into consideration SAC input and information available from neighboring states and a federally funded resource center, the IDOE made overall determinations detailed as follows on the attached pages.



MEMORANDUM

TO: Dr. Gilbert Sans
(1234) Little Apple School Corporation
CC: Planning District Director and Local Director (if applicable)
FROM: Sharon Knoth, Ed.D, Acting Director of Special Education, Division of Student Learning
SUBJECT: Local Determinations

Federal regulations for the Individuals with Disabilities in Education Improvement Act (IDEA 2004) specify that the United States Secretary of Education shall annually make a determination on the outcomes of each state in meeting the requirements and purposes of the law. Likewise states are required to make a determination for every local education agency (LEA) within the state. In Indiana, these LEAs are either school corporations, charter schools, or state operated schools. The Indiana Department of Education (IDOE) has collected, verified, and analyzed data and made a local determination for every LEA in the state through its Continuous Improvement Focused Monitoring System (CIFMS) process.

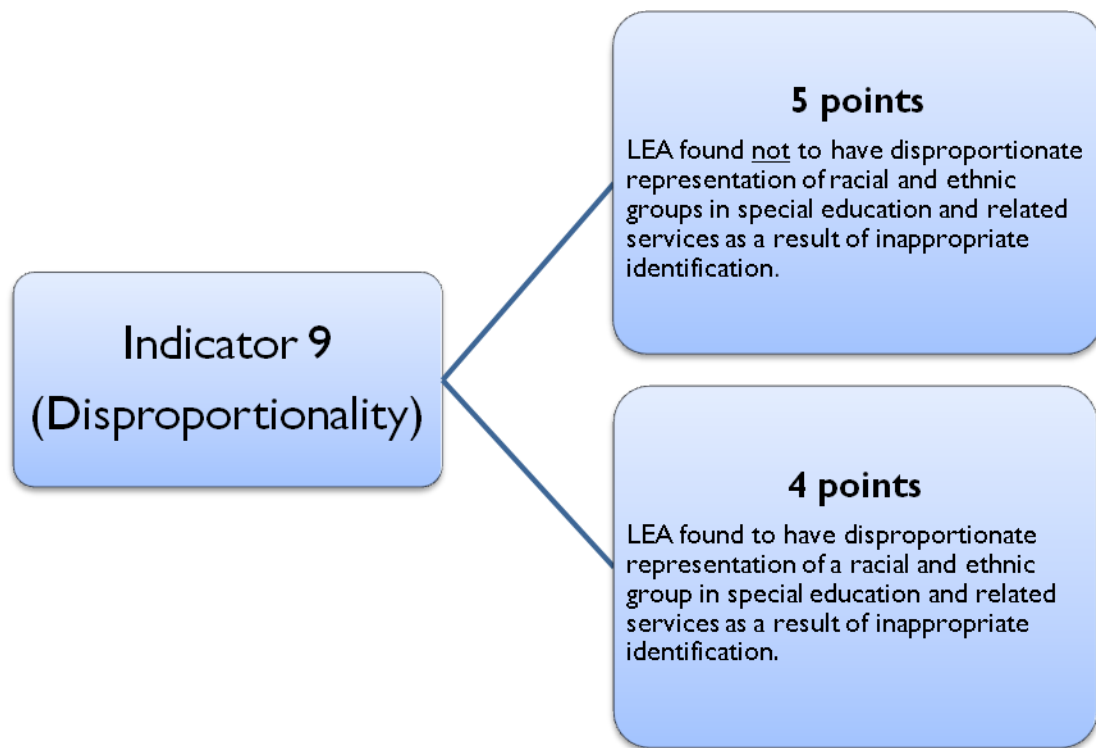
Determination categories are a way to specify the level of assistance each LEA needs from the IDOE in meeting the requirements and purposes of IDEA 2004. The law is specific to four categories of determinations. These four categories are used both by the United States Department of Education's Office of Special Education Programs (OSEP) in making state determinations and by the IDOE in making local determinations and are as follows:

- Meets Requirements and purposes of IDEA 2004;
- Needs Assistance in meeting the requirements and purposes of IDEA 2004;
- Needs Intervention in meeting the requirements and purposes of IDEA 2004; and
- Needs Substantial Intervention in meeting the requirements and purposes of IDEA 2004.

The IDOE has made local determinations using a 5 point system considering LEA Compliance Indicator data for indicators 9-13 during the FFY 2007 (SY 07-08). Additionally, any audit findings, uncorrected noncompliance, and the timely submission and accuracy of data were considered in making this determination. Points were given proportionally for levels of performance, with 5 points being given for the highest category of performance and 2 points given for the lowest category of performance. A more detailed explanation regarding this determination and what it means for your corporation or charter school can be found at <http://www.doe.in.gov/exceptional/speced/monitoring.html>. Based upon data collected, your corporation or charter school has been given the following determination: **Meets Requirements**.

Determination Area	Score
Disproportionality (Indicator 9)	5
Disproportionality (Indicator 10)	5
Initial Evaluation Timelines (Indicator 11)	4
Part C to Part B Transition Timelines (Indicator 12)	5
Secondary Transition Planning (Indicator 13)	2
Uncorrected Noncompliance (Indicator 15)	5
Timely and Accurate Data (Indicator 20)	5
Audit Findings	5
Overall Determination Score	4.50

School corporations wishing to appeal their local determination category must submit a written appeal with supporting documentation by Friday, May 22, 2009. More detailed information about the appeals process can also be found at the above web link. Any questions regarding this process should be directed to Sharon Knoth, 317-232-0588 / sknoth@doe.in.gov.



Indicator 9

Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Measurement:

The IDOE defines *disproportionate representation* (or *disproportionality*) of racial and ethnic groups in special education & related services and in specific disability categories as a risk ratio greater than 2.0 and a risk index that is equal to or greater than the state average or a risk ratio less than 0.5 and a risk index less than half the state average in special education and related services, for two consecutive years that is the result of inappropriate identification.

Data Source: CODA/IEM Data Reports, STN Data Reports, The Equity Project Survey Results

Note: No LEAs were found to have disproportionate representation in more than one racial and ethnic groups in special education, and therefore all LEAs in the state scored either a “4” or a “5” for this indicator.

Indicator 10 (Disproportionality)

5 Points

LEA found not to have disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification

4 Points

LEA found to have disproportionate representation of a racial and ethnic group in a specific disability category as a result of inappropriate identification

3 Points

LEA found to have disproportionate representation of racial and ethnic groups in two specific disability categories as a result of inappropriate identification

Indicator 10

Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Measurement:

The IDOE defines *disproportionate representation* (or *disproportionality*) of racial and ethnic groups in special education & related services and in specific disability categories as a risk ratio greater than 2.0 and a risk index that is equal to or greater than the state average or a risk ratio less than 0.5 and a risk index less than half the state average in special education and related services, for two consecutive years that is the result of inappropriate identification.

Data Source: CODA/IEM Data Reports, STN Data Reports, The Equity Project Survey Results

Note No LEAs were found to have disproportionate representation in more than one racial and ethnic group or in more than two specific disability categories, and therefore all LEAs in the state scored either “3”, “4” or “5” for this indicator.

Indicator II (Initial Evaluation Timelines)

5 Points

LEA has demonstrated a compliance rate of 95% or greater for completion of initial timelines during FFY 2007 (SY 07-08).

4 Points

LEA has demonstrated a compliance rate of < 95% but ≥ 75% for completion of initial timelines during FFY 2007 (SY 07-08).

3 Points

LEA has demonstrated a compliance rate of < 75% but ≥ 50% for completion of initial timelines during FFY 2007 (SY 07-08).

2 Points

LEA has demonstrated a compliance rate of < 50% for completion of initial timelines during FFY 2007 (SY 07-08).

Indicator II

Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

Measurement:

- # of children for whom parental consent to evaluate was received.
- # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in "a" but not included in "b" or "c". Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

Data Source: CODA/IEM

Note: Revisions to Article 7 (Indiana State Special Education Law) which changed this timeline from 60 days to 50 days did not take effect until August 13, 2008, and therefore the criteria for this indicator in FFY 2007 (SY 07-08) was still 60 days.

This indicator was removed from the equation for any LEA who conducted less than 5 initial evaluations during FFY07 (SY 07-08). However, these LEAs were still required to correct any noncompliance within the required timeframe.

Indicator 12 (Transitions from Part C to Part B)

5 Points

LEA has demonstrated a compliance rate of 95% or greater for compliance with components of Part C to Part B transitions during FFY 2007 (SY 07-08).

4 Points

LEA has demonstrated a compliance rate of < 95% but ≥ 75% for compliance with components of Part C to Part B transitions during FFY 2007 (SY 07-08).

3 Points

LEA has demonstrated a compliance rate of < 75% but ≥ 50% for compliance with components of Part C to Part B transitions during FFY 2007 (SY 07-08).

2 Points

LEA has demonstrated a compliance rate of < 50% for compliance with components of Part C to Part B transitions during FFY 2007 (SY 07-08).

Indicator 12

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an individualized education program (IEP) developed and implemented by their third birthdays.

Measurement:

- # of children who have been served in Part C and referred to Part B for eligibility determination.
- # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- # of those found eligible who have an IEP developed and implemented by their third birthdays.
- # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in "a" but not included in "b", "c" or "d". Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = $[(c) \div (a - b - d)] \times 100$.

Data Source: CODA/IEM

Note: This indicator was removed from the equation for any LEA who did not have a student transition from Part C to Part B during FFY 2007 (SY 07-08). Additionally, this indicator was removed from the equation for any LEA who does not provide services for Part C transitioning students.

Indicator 13 (Post-Secondary Transition Planning)

5 Points

LEA has demonstrated a compliance rate of 95% or greater for compliance with components of Transition IEPs during FFY 2007 (SY 07-08).

4 Points

LEA has demonstrated a compliance rate of < 95% but ≥ 75% for compliance with components of Transition IEPs during FFY 2007 (SY 07-08).

3 Points

LEA has demonstrated a compliance rate of < 75% but ≥ 50% for compliance with components of Transition IEPs during FFY 2007 (SY 07-08).

2 Points

LEA has demonstrated a compliance rate of < 50% for compliance with components of Transition IEPs during FFY 2007 (SY 07-08).

Indicator 13

Percent of youth aged 14 and above with an individualized education program IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Measurement:

Percent = $\left[\frac{\text{(\# of youth with disabilities aged 14 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals)}}{\text{(\# of youth with an IEP age 14 and above)}} \right] \times 100$.

Data Source: Indiana Transition Requirements Checklist FFY 2007 (SY 07-08) collected September 2008.

Note: This indicator was removed from the equation for any LEA that does not serve 9th grade students and/or did not have students 14 years or older during FFY 2007 (SY 07-08).

Indicator 15 (Uncorrected Noncompliance)

5 Points

LEA has no instances of
uncorrected noncompliance

2 Points

LEA has one or more instances of
uncorrected noncompliance

Indicator 15

General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (Note: although this indicator is a state measurement, the IDOE considers LEA correction in reaching the state total.)

Measurement:

Percent of noncompliance corrected within one year of identification:

- # of findings of noncompliance.
- # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

Data Source: CODA/IEM, Indiana Transition Requirements Checklist, IDOE Corrective Action Plan Database, Due Process Database

Note: There were no instances of uncorrected noncompliance related to due process proceedings. Any uncorrected noncompliance related to FFY 06 (SY 06-07) data findings for indicators 9-13 were considered.

Indicator 20

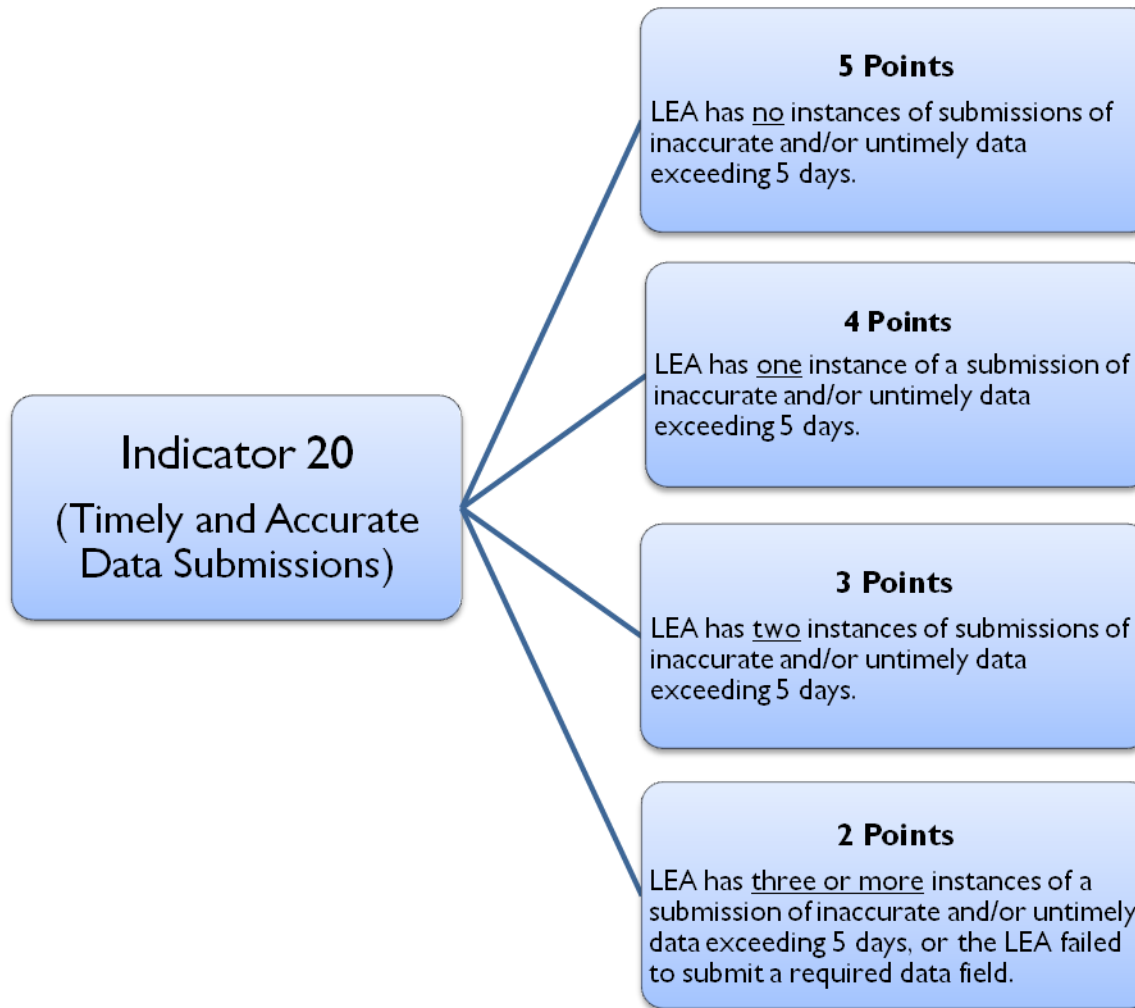
State reported data [618 and State Performance Plan and Annual Performance Report (APR)] are timely and accurate. (Note: although this indicator is a state measurement, the IDOE considers the timeliness and accuracy of LEA submitted data in reaching the state total.)

Measurement:

Accurate and timely submissions of 618 data, as well as data to support the State Performance Plan and Annual Performance Report.

Data Source: CODA/IEM, STN, Indiana Transition Requirements Checklist, and any other IDOE-required documentation submissions.

Note: There were no instances of inaccurate or untimely submissions of 618 data or data to support Indicators 9-12 from LEAs in FFY 2007 (SY 07-08). Scores for this indicator were given with consideration of inaccurate and untimely submissions of the FFY 2007 (SY 07-08) Indiana Transition Requirements Checklist for Indicator 13, as well as untimely submissions of Corrective Action Plans (CAPs) for indicators 9-13 for FFY 2006 (SY 06-07) and FFY 2007 (SY 07-08).



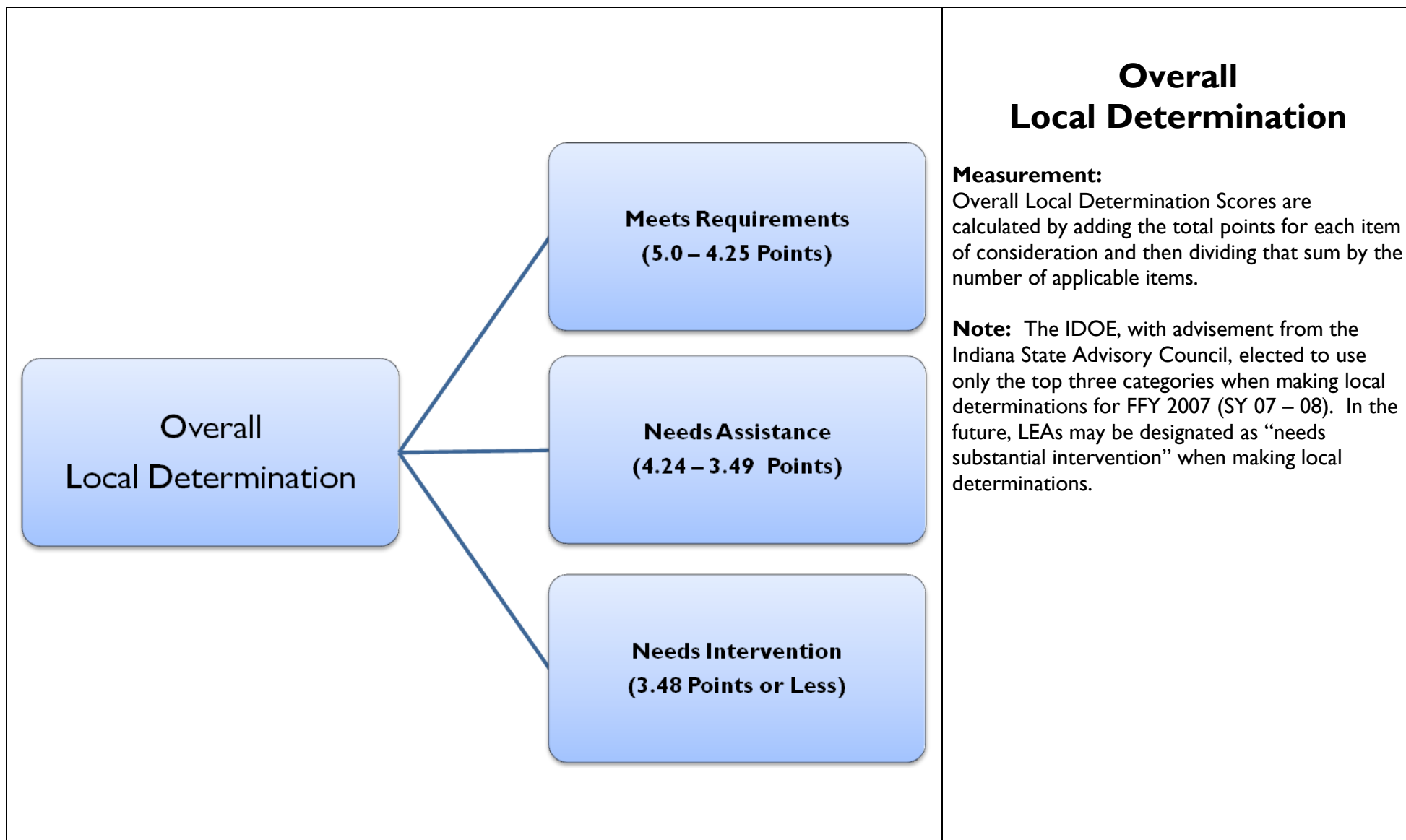
LEA Specific Audit Findings

5 points

LEA found not to have any LEA Specific
Audit Findings with use of Part B funds.

LEA Specific Audit Findings

There were no LEA Specific Audit Findings with use of Part B funds at the time of making these local determinations. All LEAs in the state received 5 points for this local determination criterion.



Local Determination Appeals Process

School corporations wishing to appeal their local determination must submit a written appeal with supporting documentation to the Indiana Department of Education by close of business Friday, May 22, 2009. The IDOE must use federal reporting guidelines to calculate each LEA's performance in relation to the SPP Indicators. Therefore, appeals based on disputes with the prescribed measurement, as seen on pages 3 – 9, will not be accepted. School corporations are encouraged to discuss their intent to appeal with the IDOE before formally submitting a written appeal with supporting documentation.

Local Determination Appeals should be sent to:

Indiana Department of Education
Office of Student Learning
Attn: Local Determination Appeal
151 W Ohio St
Indianapolis, IN 46204

Required Follow-Up Activities

School corporations that have received a designation of “NA2”, for being in the Needs Assistance category for two or more consecutive years will need to review and complete the requirements listed below under the heading “Needs Assistance for Two or More Consecutive Years (NA2)”.

Needs Assistance for Two or More Consecutive Years (NA2)

For school corporations designated as “Needs Assistance” for two or more consecutive years (NA2), the IDOE in accordance with Section 616(e) of IDEA and 34 CFR 300.604, must take one or more of the following enforcement actions.

- Advise the LEA of available sources of technical assistance such as assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research, or
- Identify the LEA as a high-risk grantee and impose special conditions on the LEA's grant under Part B of the IDEA.

The IDOE has chosen to advise corporations of available sources of technical assistance that may help them address the Indicator area(s) in which they need assistance. If your local determination letter indicates a designation of “NA2” your school corporation will be required to work with your assigned education consultant within the IDOE Division of Student Learning to utilize available technical assistance options to address the identified areas which resulted in your local determination category of Needs Assistance for a second consecutive year.

School corporations are encouraged to review, the document entitled “Local Determinations Individuals with Disabilities in Education Improvement Act (IDEA 2004)” located on the IDOE website at: www.doe.in.gov/exceptional/monitoring for additional information about consequences for local determinations.

Public Reporting of Local Determinations

The IDOE does not publicly report Local determination categories via its website or other format. Additionally, school corporations are not required to report their determination category to the public. The IDOE will direct any inquiries regarding specific school corporation’s local determinations to the school corporation. The IDOE encourages school corporations to develop a plan regarding how to share local determination information with their stakeholders.

Funds for Part B of the Individual with Disabilities Education Act Under the American Recovery and Reinvestment Act of 2009 (ARRA)

Per guidance released by the U.S. Department of Education entitled “Funds for Part B of Individual with Disabilities Education Act Under The American Recovery and Reinvestment Act of 2009” and the subsequent modification to the guidance questions entitled, “Modifications to Questions in the April 2009 Guidance on the Individuals with Disabilities Education Act, Part B”, there are other provisions of the IDEA that limit whether an LEA may reduce local effort under IDEA section 613(a)(2)(C)(35CFR 300.205). Under IDEA section 616(a) (34 CFR 300.600(a)(2)), SEAs are required to make determinations annually about the performance of each LEA using the following categories: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. Under 616(f) (34 CFR 300.608(a)), if in making its annual determinations, an SEA determines that an LEA is not meeting the requirements of Part B, including meeting targets in the state’s performance plan, the SEA *must* prohibit that LEA from reducing its Maintenance of Effort (MOE) under IDEA section 613(a)(2)(C) for any fiscal year. Therefore, an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEA’s determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention. For more information about the ARRA and its impact in Indiana, please review the documents located at:

<http://www.doe.in.gov/stimulus>